

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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NATHAN WASHINGTON,

Civil 08-0698 (JRT/JJK)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

DAIMLERCHRYSLER FINANCIAL  
SERVICES AMERICA LLC,  
AND SHAKOPEE DODGE, INC.,

Defendants.

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Thomas L. Lyons, Jr. and Trista M. Roy, **CONSUMER JUSTICE CENTER, PA**, 367 Commerce Court, Vadnais Heights, MN 55127, for plaintiff.

Brian L. McMahon, **MCMAHON LAW FIRM LLC**, 332 Minnesota Street, Suite W1450, St. Paul, MN 55101, for defendant DaimlerChrysler Financial Services America LLC.

Daniel M. Gallatin, **JOHNSON, PROVO-PETERSON, O'NEILL, LLP**, 332 Minnesota Street, Suite W-975, St. Paul, MN 55101, for defendant Shakopee Dodge, Inc.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated December 2, 2008. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

**IT IS HEREBY ORDERED** that:

1. Plaintiff's Complaint [Docket No. 1] is **DISMISSED WITHOUT PREJUDICE**; and
2. Plaintiff's motion to compel discovery responses from defendant Shakopee Dodge, Inc. [Docket No. 22] is **DENIED AS MOOT**.

DATED: January 1, 2009  
at Minneapolis, Minnesota

s/John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge